



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, D.C. 20570

March 4, 2016

Michael E. Gans, Esquire  
Clerk United States Court of  
Appeals for the Eighth Circuit  
Thomas F. Eagleton U.S. Courthouse  
111 South Tenth St., Rm 24.329  
St. Louis, MO 63102

Re: *ConAgra Foods, Inc. v. NLRB*, Eighth  
Cir. Nos. 14-3771 and 15-1049

Dear Mr. Gans:

On February 19, 2016, the Court handed down its opinion granting ConAgra Foods, Inc.'s petition in part and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I am filing the Board's Proposed Judgment in the above entitled manner. A certificate of service is enclosed.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

1015 Half Street, SE

Washington, DC 20570

(202) 273-2960

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

CONAGRA FOODS, INC.	:	
	:	
Petitioner/Cross-Respondent	:	No. 14-3771
	:	
v.	:	
	:	
NATIONAL LABOR RELATIONS BOARD	:	No. 15-1049
	:	
Respondent/Cross-Petitioner	:	
	:	
and	:	
	:	
UNITED FOOD AND COMMERCIAL WORKERS	:	
INTERNATIONAL UNION, LOCAL 75	:	
	:	
Intervenor	:	

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before: RILEY, Chief Judge, BEAM and KELLY, Circuit Judges.

THIS CAUSE came to be heard upon a petition filed by ConAgra Foods, Inc. to review, and a cross-application filed by the National Labor Relations Board to enforce, a November 21, 2014, Order of the National Labor Relations Board in Case Nos. 09-CA-089532, 09-CA-090873, 09-CA-062889, 09-CA-062899, and 09-CA-068198, reported at 361 NLRB No. 113 (2014). The Court heard argument and considered the briefs and the record filed in this case. The Court handed down its opinion on February 19, 2016, granting ConAgra Foods, Inc.'s petition in part and granting in part the Board's cross-application for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that ConAgra Foods, Inc., its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

DATED:

CONAGRA FOODS, INC.

v.

NATIONAL LABOR RELATIONS BOARD

ORDER

ConAgra Foods, Inc., Troy, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Promulgating and maintaining rules that prohibit employees from discussing union-related issues during working time and/or in work areas.
  - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - (a) Rescind its April 30, 2012 rule prohibiting employees from discussing union-related issues in working areas and/or during worktime, and advise employees in writing that this unlawful rule is no longer being maintained.
  - (b) Within 14 days after service by the Region, post at its Troy, Ohio facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 9, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former

employees employed by the Respondent at any time since August 16, 2011.

- (d) Within 21 days after service by the Region, file with the Regional Director for Region 9 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX  
NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF  
THE UNITED STATES COURT OF APPEALS ENFORCING  
AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO  
Form, join, or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

WE WILL NOT promulgate and maintain rules that prohibit employees from discussing union-related issues during working time and/or in work areas.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL rescind our April 30, 2012 rule prohibiting you from discussing union-related issues in working areas and/or during worktime, and after the rescission WE WILL advise you in writing that the unlawful rule is no longer being maintained.

CONAGRA FOODS, INC.

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

CONAGRA FOODS, INC.	:	
	:	
Petitioner/Cross-Respondent	:	No. 14-3771
	:	
v.	:	
	:	
NATIONAL LABOR RELATIONS BOARD	:	No. 15-1049
	:	
Respondent/Cross-Petitioner	:	
	:	
and	:	
	:	
UNITED FOOD AND COMMERCIAL WORKERS	:	
INTERNATIONAL UNION, LOCAL 75	:	
	:	
Intervenor	:	

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016, I electronically filed the Board's proposed judgment with the Court for the United States Court of Appeals for the Eight Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dated at Washington, DC  
this 4th day of March, 2016